United Nations S/2016/752

Security Council

Distr.: General
6 September 2016

Original: English

Uruguay: draft resolution

The Security Council,

Recalling its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, 1966 (2010) of 22 December 2010, and 2256 (2015) of 22 December 2015,

Taking note of the letter to the President of the Security Council from the Secretary-General dated 5 August 2016 (S/2016/693), transmitting a letter from the President of the International Tribunal for the former Yugoslavia (ICTY) dated 29 July 2016,

Recalling article 7 of the Transitional Arrangements set out in Annex 2 to Security Council resolution 1966 (2010), pursuant to which a judge of the International Residual Mechanism for Criminal Tribunals (Mechanism) may also hold the office of judge of the ICTY,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to amend the Statute of the ICTY by adding Article 13 *quinquies* as set out in the annex to this resolution;

2. *Decides* to remain seized of the matter.

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Annex

Article 13 *quinquies*
Appointment of ad hoc judge

If there is no permanent judge currently serving at the International Tribunal available for assignment to the Appeals Chamber, and all practical alternatives having been explored, the Secretary-General may, at the request of the President of the International Tribunal and after consultation with the President of the Security Council, appoint a former judge of the International Tribunal or of the International Criminal Tribunal for Rwanda who is also a judge of the International Residual Mechanism for Criminal Tribunals, as a judge of the International Tribunal, to be assigned on an ad hoc and temporary basis to the Appeals Chamber, notwithstanding article 12, paragraph 3 and article 14 paragraph 3 of the Statute. The terms and conditions of service of a judge appointed pursuant to this paragraph for each day on which he or she exercises functions for the Appeals Chamber shall be those of a judge ad hoc of the International Court of Justice.

United Nations S/2016/753

Security Council

Distr.: General
31 August 2016

Original: English

Report of the Secretary-General on the United Nations Stabilization Mission in Haiti

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2243 (2015), by which the Council extended the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH) until 15 October 2016 and requested me to report on the implementation of the mandate not later than 45 days before its expiration. It covers major developments between the issuance of my report of 8 March 2016 (S/2016/225) and 31 August 2016 and outlines activities undertaken by the Mission in line with its mandate under the relevant Council resolutions, most recently resolution 2243 (2015). An update on the consolidation plan of the Mission is provided in annex I to the present report.

II. Political developments

2. The reporting period was marked by the ongoing efforts of Haitian stakeholders to restore constitutional order through the resumption and completion of the electoral process, and by political uncertainty due to lack of clarity over governance arrangements at the helm of the State. Despite the installation of a new Prime Minister and ministerial cabinet and the establishment of a new electoral council, the verification of the 2015 elections in response to widespread allegations of massive fraud made by Haitian political and civil society actors and the ensuing decision to rerun the first round of the presidential elections led to further delays in the continuation of the electoral process. Since the lapse on 14 June of the 120-day term of the provisional President, Jocelerme Privert, the National Assembly has been unable, despite several attempts, to vote on governance arrangements. In the meantime, the scheduling by presidential order of a first electoral round on 9 October 2016 for the completion of the 2015 elections, combined with elections for the renewal of one third of the Senate due by January 2017, has renewed momentum in the electoral process. Electoral preparations are under way despite persisting uncertainty over provisional governance arrangements.

3. The implementation of the agreement of 5 February, which provided for temporary governance arrangements following the end of the five-year term of President Michel Martelly, proved challenging from the outset and was characterized by protracted negotiations over the formation of a new Government,

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which delayed the installation of a functioning executive. Following the rejection by Parliament of the first designee for the post of Prime Minister and negotiations between the executive and legislative branches, Enex Jean-Charles, a senior civil servant, eventually secured a vote of confidence, and on 28 March was installed with his 16-member cabinet, which included three women. Despite the subsequent appointment of the nine members of a new provisional electoral council by presidential order on 30 March, the election of 24 April, stipulated in the agreement of 5 February, did not take place.

4. Instead, on 27 April, the provisional President established a five-member independent electoral evaluation and verification commission, following months of public debate over the credibility of the electoral process. The commission conducted a 30-day assessment of the 2015 elections, including through the analysis of 3,235 of the 13,725 polling station results (23.5 per cent), and concluded, on 30 May, that the 2015 elections had been marred by serious irregularities committed in a systematic manner with an intention to manipulate the electoral outcome. Overall, the commission recommended a repeat of the elections; further scrutiny of a number of elected parliamentary seats by the electoral tribunals; and implementation of a series of measures aimed at enhancing the credibility of the electoral process. The commission's recommendations were met with mixed reactions, ranging from support by political parties and civil society actors who had argued in favour of an independent electoral verification process, to rejection by other stakeholders, particularly the party under whose banner front runner Jovenel Moïse ran for the presidency in 2015 and its allies. The report also caused apprehension among some parliamentarians, given its recommendation to review the election of three Senators and 39 members of the Chamber of Deputies.

5. On 6 June, the Provisional Electoral Council issued a revised electoral calendar which largely accepted the recommendations of the commission, including a repeat of the presidential elections. The calendar set a first date of 9 October 2016 for a repeat of the 2015 presidential election and partial reruns of the legislative elections, together with first-round elections for one tier of the Senate seats whose current incumbents will end their term in office in January 2017. A second electoral round was set for 8 January 2017, including presidential and senatorial run-offs, if required, and the single-round local elections. According to this calendar, the final results of the presidential election will be announced by 30 January 2017 and the newly elected President will be installed on 7 February 2017. In addition, on 14 July, the electoral council decided that the election of 13 of 42 newly elected Members of Parliament should be subjected to an administrative inquiry, and that of two others should be referred to the national electoral tribunal. Following the decision of the electoral council to hold repeat elections, on 8 June the European Union announced the withdrawal of its electoral observation mission from Haiti.

6. On 15 July, the electoral council released the final results of 139 of the 140 municipal elections held in 2015, resulting in the installation of 139 municipal councils. All 139 of the three-member municipal councils fulfilled the 30 per cent quota for women, and 16 women were elected as Council President. The one remaining municipal council election will be rerun in January 2017, because an attack following the elections in October 2015 destroyed the ballots. After the release of the calendar, the electoral council proceeded with the reregistration of presidential candidates, resulting in a list of 24 of the original 54 candidates; registered 118 candidates, including 10 women, contending for the 10 senatorial

seats; reopened the registration period for the voter list; launched the recruitment of electoral personnel and online registration of political party poll watchers; and completed the technical and security assessment of voting centres. At the same time, the Haitian National Police, together with MINUSTAH military and police personnel, began electoral security planning, including the development of a national security plan and related field visits to all departments of the country. On 2 August, the Organization of American States announced that it would observe the elections of 9 October.

7. The budget for electoral operations and related logistics amounts to an estimated $54.84 million, in addition to the operating costs of the electoral council and the national police. Funds totalling $10.06 million are still available to the managed basket fund of the United Nations Development Programme (UNDP), enabling it to finance procurement of material and to continue providing technical assistance. A total of $44.78 million is thus required, of which $18.2 million is needed for the first round, including $2.5 million for logistics support. The Government of Haiti publicly announced that it would fully cover the cost of the elections, while welcoming donor contributions. Meanwhile, the Government has entered into an agreement with United Nations agencies on the continued provision of operational support to the electoral council, albeit on a smaller scale than for previous elections.

8. While electoral preparations are largely on track, the inability of Parliament to vote on the temporary governance arrangements has affected the work of both the executive and the legislature. As a case in point, the lower Chamber voted on the revised budget for the 2015/16 fiscal year, but the Senate's inability to meet has so far prevented full parliamentary adoption of the budget. Furthermore, no decision has been taken regarding the draft budget for the 2016/17 fiscal year, which starts in October 2016.

9. My Special Representative, Sandra Honoré, continued to use her good offices to facilitate a return to constitutional order through the holding of elections, and to generate consensus among relevant political actors on the need to complete the electoral process and ensure functioning State institutions at all levels. She also continued to advocate international electoral assistance aimed at supporting the electoral council's efforts to organize credible, impartial and inclusive elections. Similarly, the Under-Secretary-General for Peacekeeping Operations, Hervé Ladsous, who led a security and political assessment visit to Haiti from 30 June to 3 July 2016, urged all Haitian interlocutors to find a solution to the protracted governance crisis and do everything in their power to ensure a swift completion of the electoral process.

III. Security developments

10. The security situation during the reporting period remained relatively calm but fragile, because of the prevailing political uncertainty. Overall, crime levels and gang activities were lower compared to the two previous reporting periods. However, the number of demonstrations, sit-ins and strikes has increased since April, most of them triggered by socioeconomic grievances. A number of cases of politically motivated violence in May and June generated public anxiety.

11. Crime statistics for the period from 1 March to 10 August 2016, collected by the national police and MINUSTAH, indicated 438 reported homicides, as compared to 567 homicides from 1 September 2015 to 28 February 2016, and 486 from 1 March to 31 August 2015. Of the 438 homicides, 75 per cent occurred in the metropolitan area of Port-au-Prince. In total, 27 kidnappings were recorded, as compared to 44 from 1 September 2015 to 28 February 2016 and 29 from 1 March to 31 August 2015. Reported cases of rape totalled 229, indicating an increase as compared to the 218 cases reported from 1 September 2015 to 28 February 2016 and the 223 cases reported from 1 March to 31 August 2015.

12. A total of 438 public protests were recorded, of which 134 reportedly had elements of violence ranging from the use of road barricades, destruction of property and stone-throwing to assaults against police officers and shootings. The number of public protests therefore decreased considerably compared to the period from 1 September 2015 to 28 February 2016 when 689 protests were recorded (of which 275 were violent), but increased slightly compared to the period from 1 March to 31 August 2015 when 399 protests were recorded (of which 151 were violent). The West Department remained the most affected by public protests, with 62 per cent (274) of the protests occurring there, followed by the North Department with 8 per cent and the Nippes Department with 5 per cent. Protests were generally small in scale, an estimated 87 per cent (381 protests) involving fewer than 300 people, 9 per cent (40) involving between 300 and 1,000 people, and 4 per cent (17) involving more than 1,000 protesters. A total of 146 protests (33 per cent) were political and election related, while 226 (51 per cent) were triggered by socioeconomic grievances and the remaining 26 per cent were associated with labour-related issues. Five low-level protests targeted the UNDP office and the temporary storage area of the Provisional Electoral Council on MINUSTAH premises, both of which are located in Port-au-Prince; the protestors were demanding payment of salary arrears from the electoral council.

13. In the first of a series of high-profile security-related incidents, on 16 May unidentified armed elements in military-like uniforms attacked the Haitian National Police regional headquarters in Les Cayes (South Department). The attack resulted in one police officer being killed and three others seriously wounded, as well as weapons being stolen. On 2 June, political rivalry over election results led to the arson of several residences in Borgne (North Department), followed by the City Hall on 30 June and an attack against the Departmental Vice-Delegate on 5 July. On 8 June, in Port-au-Prince, six gasoline stations and the Ministry of Foreign Affairs building were targeted by acts of vandalism and random shootings. On 10 June, the Superior Council of the National Police decided to suspend all existing permits for firearms across the country, a measure lifted on 15 June. On 13 June, a newly created political grouping, the Entente démocratique, announced that it would stage a peaceful demonstration to call for the removal of the provisional President on 14 June, to coincide with the expiration of his 120-day term as stipulated by the agreement of 5 February. In the night of 14 June, the Superior Council of the National Police imposed a curfew throughout the country, thereby preventing the planned demonstration and triggering negative reactions from some political actors who denounced the measure as illegal and authoritarian.

14. On 21 June, on the sidelines of a National Assembly session to vote on provisional governance arrangements, acts of violence inside Parliament led to the suspension of the session. The incident was condemned by actors from across the

political spectrum as well as by my Special Representative. In response, the national police adopted measures to prevent the recurrence of such incidents, such as reinforced deployment of security forces around the Parliament and government buildings during National Assembly sessions.

15. On 24 June, unidentified armed elements on motorcycles opened fire on the offices of several prominent international and domestic companies in Port-au-Prince, including one hotel. A Swedish national and a former Director-General of the National Press were killed by unidentified individuals on motorcycles, in Pétionville on 28 June and 8 July, respectively. Investigations launched by the national police are ongoing.

16. The national police conducted various security operations during the reporting period, resulting in a decline in the number of homicides, improved response to kidnappings and effective management of all public demonstrations, largely without support from MINUSTAH, which was not called upon to use its pre-positioned quick-reaction force.

17. The police component of MINUSTAH assisted the national police in crime reduction operations by jointly operating 2,268 checkpoints as well as conducting 3,086 foot patrols, 14,876 vehicle patrols and 43 joint operations, including 35 in the metropolitan area of Port-au-Prince. Military peacekeepers conducted 5,169 operations, 620 of which were joint patrols with national police and MINUSTAH police. The Mission's military component also conducted 20 platoon-sized quick-reaction force deployments to 14 different communes in seven departments, using MINUSTAH aviation assets. In two major incidents, MINUSTAH formed police units and military troops were deployed to provide operational support to the national police, specifically in Les Cayes on 16 May, and in Borgne on 30 June.

IV. Rule of law and human rights

A. Rule of law

18. The Haitian National Police, under the direction of a new Director-General appointed by the provisional President on 11 April and confirmed by the Senate on 23 August, continued to implement its development plan for 2012-2016. Four months before the end of the five-year plan, 58 per cent of the plan has been implemented, resulting in an increase in police strength and territorial coverage; training of middle- and upper-level management; and improved judicial police and crowd control capacity. Provisions pertaining to fiscal management and procurement, the development of a comprehensive crime prevention strategy, strengthening of the border police and the control of firearms are among the provisions that have yet to be implemented.

19. Work has begun by the national police, with support from MINUSTAH, on drafting the strategic plan for 2017-2021, which aims to determine targets and performance indicators based on a thorough analysis of the capacities of the national police. Activities not achieved during the period 2012-2016 will be incorporated into the plan.

20. The twenty-sixth class, consisting of 1,474 cadets, including 186 women, the largest since the inception of the national police, graduated on 10 May, bringing the

total strength of the police to 13,200 personnel, including 1,182 women (9 per cent). On 10 July, the twenty-seventh class, consisting of 966 cadets, including 86 women, began its training, which is due to end in January 2017. Initially larger, the size of the twenty-seventh class was eventually reduced by 40 per cent to improve the quality of instruction and reduce the strain on the police academy infrastructure. This reduction in class size means that the target of 15,000 police officers will not be attained by the end of 2016; it is now expected to be achieved by the end of 2017. In parallel, the vetting process of the national police has continued: 9,290 police officers and civilian staff have been certified. Vetting is ongoing, with 3,227 cases under investigation and 683 yet to be opened.

21. The national police continued to engage in crime reduction and, to this end, replicated a promising community policing pilot project with support from MINUSTAH and other international partners. The project focused on vulnerable locations in the West Department, including fragile neighbourhoods in Port-au-Prince such as Fort National, Cité Soleil and areas served by the sub-commissariats of Portail St Joseph and Cafeteria.

22. MINUSTAH assisted the Directorate of Prison Administration in implementing its strategic development plan for 2014-2016 and its action plan for 2015-2016, incorporating policies and procedures to enhance service delivery and compliance with human rights standards in all prisons. MINUSTAH supported 170 training sessions on standards for prisoner treatment, helped to develop a curriculum for the treatment of vulnerable groups, supported training on sexual and gender-based violence for 200 police personnel, and contributed to the instruction of 69 medical personnel on the use of new health reporting forms.

23. Since my previous report (S/2016/225), the percentage of prisoners held in pretrial detention remained static. As at 4 August, the number of prisoners stood at 10,830 (including 358 women, 197 male juveniles and 27 female juveniles), of whom 3,212 had been convicted and 7,618 were awaiting trial. Effective prison management would require more than the current 1,681 national corrections personnel in service. Severe overcrowding (445 per cent occupancy rate), 23 hours of daily confinement, food shortages, poor hygiene and sanitation conditions and insufficient medical services continue to cause severe problems and are a major human rights concern. In my previous report, I indicated that only 3 of the 17 detention facilities under the jurisdiction of the Directorate of Prison Administration, holding 1,402 detainees, provided slightly more than one square metre per detainee. This has now dropped to only one detention centre, for 89 people. At the national penitentiary, conditions continue to be the most dramatic, with three detainees per square metre. Prison statistics do not include the large number of detainees held in unofficial detention centres such as police stations. Despite repeated calls by the United Nations system, the Government has not taken comprehensive steps to address the problem. Furthermore, between February and August, changes of food suppliers and repeated delays in disbursing funds caused acute food shortages in prisons, resulting in reductions in meals. My Special Representative raised these issues with State leadership on several occasions.

24. MINUSTAH provided technical and logistical assistance to detention monitoring committees in Les Cayes, Cap-Haïtien and Port-au-Prince as part of an overall effort to reduce prolonged periods of pretrial detention and facilitate citizens' access to justice. Legal aid offices in Cap-Haïtien and Les Cayes, with

support from MINUSTAH, also focused on assisting detainees in pretrial detention. Since March, 554 cases were processed and judicial assistance was provided to 1,192 detainees, 391 of whom were released. In Port-au-Prince, the five legal aid offices handled 817 cases, resulting in the release of 395 people.

25. MINUSTAH further supported the organization of workshops to strengthen the capacity of criminal justice actors, including two workshops in Port-au-Prince and four in Les Cayes covering summary trial procedure, habeas corpus and processing case files. Two quick-impact projects provided logistical and material support to courts of first instance and justice of the peace tribunals in Les Cayes and Port-au-Prince. Between March and July 2016, the courts in Port-au-Prince, Cap-Haïtien and Les Cayes dealt with the cases of 351 defendants, resulting in 93 acquittals, 213 convictions and 45 postponements.

26. On 29 May 2016, at the request of the Ministry of Women's Affairs and Women's Rights on the occasion of the International Day of Action for Women's Health, MINUSTAH provided primary health-care support, including basic health screening and treatment of acute conditions, to female detainees at the women's prison in Pétionville, Port-au-Prince. A total of 104 consultations were undertaken covering 34 per cent of the 304 female inmates, and a report on chronic cases was provided to the authorities for follow-up.

27. Six of 12 seats on the Supreme Court, the country's highest court, remained vacant. The President of the Court continues to sit on the bench, although his mandate expired in December 2015. The Superior Council of the Judiciary has not yet approved the rules for the evaluation of judges and the ad hoc joint vetting commission lacks the funds to complete its work on the certification of judges.

28. As part of longer-term legislative reform, the joint technical committee on penal reform completed the drafting of the code of criminal procedure, and the Presidential Commission on Justice Reform submitted it and the draft criminal code to the executive branch. On 12 July 2016, the Superior Court of Auditors and Administrative Disputes presented its strategic and operational plan for 2016-2024, developed with the assistance of UNDP.

29. MINUSTAH continued to conduct stabilization initiatives in urban communities addressing risk factors such as limited access to justice and high youth unemployment. By June 2016, the Mission had completed 41 community violence reduction projects totalling $8 million, benefiting an estimated 37,501 people, including 16,058 women, in the Artibonite, West, South and North Departments. Projects focused on job creation as an alternative to violence-based livelihoods, improvements to justice-system access and efficiency, promoting dialogue and fostering social cohesion. During the reporting period, 13 new projects were approved under the 2015/16 budget aimed at fostering social cohesion and confidence in State institutions, including through community dialogue with the police. MINUSTAH also supported three sensitization and social mobilization campaigns for 229,724 beneficiaries across the country focused on, inter alia, community policing, sexual and gender-based violence, cholera reduction and conflict resolution.

B. Human rights

30. The national police continued to develop its human rights education programme, with support from MINUSTAH. The Inspectorate General conducted nine training sessions on human rights for 1,474 cadets and 104 officers assigned to specialized units on the use of force and weapons. The Inspectorate General received 334 complaints of misconduct and sent corresponding files recommending sanctions, including the dismissal of 96 officers, 111 suspensions and 76 warnings, for approval by the Director-General of the national police.

31. Despite repeated calls from my Special Representative, the Independent Expert of the Human Rights Council on the situation of human rights in Haiti, and by civil society, the Government has failed to assign the human rights portfolio to a specific ministry. Judicial authorities have made no significant progress in the prosecution of serious human rights violations, including in the case of the assassination of journalist and human rights activist Jean Dominique and in the cases of former Presidents Jean-Claude Duvalier and Jean-Bertrand Aristide. MINUSTAH continued to provide technical assistance to civil society organizations that protect the rights of lesbian, gay, bisexual, transsexual and intersex people and victims of discrimination.

32. In the framework of the second cycle (2012-2016) of the forthcoming universal periodic review, the Government submitted its national report to the Human Rights Council on 22 July. Prior to that, on 20 July, the Ministry of Foreign Affairs and the Office of the Ombudsperson, with support from MINUSTAH, organized a national consultation workshop to consolidate the State report in an inclusive and participatory manner. Eleven ministerial entities and 57 civil society representatives, including 25 women, participated in the workshop.

C. Gender equality

33. Women's organizations continued to advocate greater women's participation in politics and representation in Parliament. On 6 June, Tribin Politik Fanm, a women's political platform, held the official opening of the symbolic women's parliament to call for full implementation of the constitutional provision requiring a minimum of 30 per cent representation of women in public life, especially in national political institutions. The implementation of the provision at local level ensured for the first time the representation of 30 per cent women in all elected municipal councils. On 22 July, elected female mayors established the National Federation of Women Mayors with support from the Ministry of the Interior and Local Government, the Ministry of Women's Affairs and Women's Rights, and MINUSTAH.

V. Institutional support and strengthening of State authority

A. Governance and local government

34. MINUSTAH continued to support the Ministry of the Interior and Local Government, with focus on the training of newly elected municipal councils, targeting in particular elected women. The Mission facilitated the organization of a

two-day induction training on decentralization, municipal budgets and local government partnerships in Port-au-Prince. Prior to that, a three-month technical assistance programme for all 140 municipal administrations facilitated the handover to the new municipal councils.

35. In May and June, MINUSTAH and the Ministry of the Interior and Local Government conducted joint technical assessment visits to evaluate the possibility of rolling out the tax mobilization programme carried out in Les Cayes (South Department) and Jérémie (Grande-Anse) to Gonaïves (Artibonite), Hinche (Centre), Mirebalais (Centre) and Fort-Liberté (North-East). The tax mobilization programme aims to modernize the municipal tax collection system and is expected to significantly increase local tax revenue.

36. The Mission completed 86 projects and allocated its entire quick-impact projects budget of $4 million for the 2015/16 fiscal year. The Mission implemented 35 projects in support of good governance, democracy and the extension of State authority, and 51 projects aimed at improving public infrastructure and services, including 19 projects to promote the rule of law, 23 projects on health and sanitation and 9 projects to enhance safety and security through public lighting; projects focusing on the provision of clean water and the fight against cholera reached an estimated 300,000 beneficiaries.

37. In April, MINUSTAH supported the parliamentary administration with induction training for newly elected members of the Chamber of Deputies, financed through quick-impact funding. The induction training focused on parliamentary standing orders, the roles and responsibilities of parliamentarians, legislative and budget approval processes, and the statute governing members of the lower Chamber.

B. Capacity of the Haitian National Police

38. Gaps in the institutional and operational capacity of the national police remain to be addressed before it can effectively operate without international support. Threshold requirements remain unmet in a number of key areas, including with respect to the police-to-population ratio, the force's geographic coverage, its ability to respond to public disorder and crime and internal management. Taking account of the recent decision to reduce the number of cadets and the annual attrition rate, the projected strength of the national police is 14,000 officers in February 2017, with a police-to-population ratio of approximately 1.3 per 1,000 inhabitants. This reflects significant progress as compared to the 2012 ratio of 0.98 and the 2004 ratio of 0.73, but falls short of the international ratio of 2.2 police per 1,000 people. The percentage of women will remain at 9 per cent, below the 11 per cent target.

39. Despite progress made following the creation of the National Police Academy in 2012 and the implementation of advanced management training programmes, an estimated one quarter of police supervisory positions remains unfilled, resulting in weak management. As regards geographical coverage, the police are present in only 261 of the country's 570 communal sections. Overall, the number of police stations remains insufficient, and more personnel per station are required, particularly along the border and territorial waters, for traffic police, scientific police and criminal investigation.

40. Nevertheless, the police have demonstrated improved ability to meet public order challenges and tackle crime. During the reporting period, crowd-control units managed demonstrations with minimal support from MINUSTAH. The police also made significant progress through enhanced training in areas such as the judicial police, counter-narcotics and anti-kidnapping. In other areas, however, such as human rights awareness, police oversight, strategic planning and maintenance of facilities and equipment, international support is still required. The police also continued to rely on the support of MINUSTAH in addressing criminality and street gang violence. In this respect, the police still lack an effective criminal intelligence bureau with the capacity to produce reliable information, and criminal investigation resources to prevent and solve serious crimes and to combat organized criminal networks. Despite progress in the implementation of community policing initiatives in the Port-au-Prince metropolitan area, the national police lack coordinated and comprehensive community-based programmes countrywide. Overall, while able to function reasonably well in the greater metropolitan area of Port-au-Prince, with the day-to-day guidance and operational support of MINUSTAH, the national police will require continued international assistance to fill the gaps in administrative capacity and to further decentralize services outside of the capital.

VI. Update and activities on humanitarian and development needs

A. Humanitarian activities

41. Since my previous report, Haiti has suffered from continuing humanitarian challenges. As a result of the drought, 3.6 million people, or over a third of the population, suffered from food insecurity, 1.5 million of them from acute food insecurity. With the start of the rainy season in April and a good spring crop, the situation has improved. However, the rainy season led to flooding in parts of the West, North, North-West and Artibonite Departments, affecting some 4,400 families. In addition, 61,302 individuals remain internally displaced in 33 sites and camp-like settlements since the 2010 earthquake. Relocation efforts have proved particularly challenging in the light of the current political crisis.

42. The situation has been further compounded by an increase in the number of suspected cases of cholera and cholera-related deaths. From 1 January to 23 July 2016, the Ministry of Public Health and Population reported 23,072 suspected cholera cases and 211 deaths, reflecting an overall increase compared with the same period of 2015. The Ministry, with support from key implementing partners, including United Nations agencies, continued to work on the emergency response, with particular focus on surveillance and control measures, although funding remained an issue. MINUSTAH and United Nations agencies also intensified efforts in support of the implementation of the national plan for the elimination of cholera. The United Nations supported the Ministry of Public Health and Population in revising its mid-term plan (2017/18), which is to be discussed at the next meeting of the High-level Committee for the Elimination of Cholera.

43. The ongoing return of Haitians and persons of Haitian descent from the Dominican Republic tested the capacity of the State to provide assistance. Between June 2015 and 11 August 2016, the International Organization for Migration had

registered 133,251 individuals returning to Haiti, of whom 34.7 per cent were women. Official deportations since August 2015 amounted to 27,263 persons, 6.1 per cent of them women. On 13 July, the Government of the Dominican Republic extended for one year the temporary resident permit of about 140,000 Haitians, who would have otherwise had to leave the Dominican Republic in July 2016. It is critical that both Governments proceed with the development of a migration policy that regulates the movement of persons between the two countries.

44. On 7 April, the Government of Haiti and the humanitarian country team launched a humanitarian response plan of $193.8 million to meet the critical humanitarian needs of 1.3 million people, including $20.3 million for cholera response. As at 20 July, $59.02 million or 31 per cent of the total requirements had been received, including $8 million for cholera response.

B. Development activities

45. Insufficient investment required to boost economic growth and generate employment, combined with political uncertainty and the lack of transparent and effective governance systems, continued to have a negative impact on development and the implementation of the strategic development plan. Social inequalities remain highly visible in a context where the poorest 40 per cent of the population have access to 9 per cent of national resources and 60 per cent of the population lives below the poverty line.

46. Over the past year, core inflation has risen to about 10 per cent, driven by a depreciation of the gourde of almost 25 per cent. The impact of the drought pushed headline inflation to about 15 per cent in April and May, owing to a rise in the prices of many agricultural products by up to 40 per cent, notably tuberous crops and some vegetables. Falling international prices of rice, cooking oil and other staple products have, however, somewhat mitigated the effect of the price increases.

47. Revenue in the first five months of the fiscal year was up by about 20 per cent compared to 2015. This was, however, not sufficient to replace the decline in external funding, especially Petrocaribe resources. Civil service wages and other current expenditures are still being covered, with little room left for investment. The budget proposal for 2016/17 foresees 40 per cent of total expenditure in public investments. Private investment has been adversely affected by corruption, political uncertainty and high interest rates, resulting in a continually unfriendly investment climate and further hardship. In 2016, the World Bank report *Doing Business* ranked Haiti 182nd out of 189 countries.

48. Given the tight monetary policies, relatively low debt and a low fiscal deficit, the depreciation of the gourde was mainly driven by a loss of confidence and the resulting increase in dollarization. The Haitian Central Bank has lost international reserves in cushioning the gourde's decline. In the meantime, given the political uncertainty, development partners slowed down commitment to new projects and budget support, pending the installation of a Government in a position to make long-term commitments.

49. The Ministry of Health, with the support of United Nations agencies, MINUSTAH and other relevant partners, developed the HIV/AIDS national strategic plan for the period 2017-2023 in line with the Fast-Track strategy of the

Joint United Nations Programme on HIV/AIDS. The plan includes, inter alia, HIV prevention and testing for vulnerable sectors of the population and young people, elimination of mother-child transmission as well as treatment and patient retention on treatment. The test and treat guidelines of the World Health Organization were endorsed by the Government and implementation started in July.

VII. Transition and strategic planning

50. The consolidation plan continued to guide the focused implementation of the MINUSTAH mandate and to provide the basis for transition planning by the Mission and the United Nations country team in preparation for the eventual reconfiguration of the United Nations presence in Haiti. MINUSTAH and the United Nations country team continued preparatory work on a joint transition plan aimed at consolidating the stabilization gains made with support from the Mission, with a focus on police development, the rule of law and governance. Financing for the United Nations joint interim programme on police, justice and corrections was approved in the Mission budget, and a memorandum of understanding detailing implementation modalities with the United Nations country team is being finalized. Joint work by the United Nations country team and the Mission has been conducted in the field of reduction of community violence, and through the implementation of quick-impact projects.

51. Planning continued for the transition of the United Nations presence in Haiti through an institutional capacity assessment undertaken jointly by the Mission and the United Nations country team. The assessment identifies both the capacity needs of national institutions and areas for intervention and assistance by the United Nations and international partners.

52. Meanwhile, the MINUSTAH police component continued to transfer responsibilities to the national police, particularly in the areas of training and the work of the Inspectorate General. The military component, for its part, adopted a new concept of operations using three hubs — Port-au-Prince, Cap-Haïtien and Morne Cassé — and ensuring presence in five key departments while maintaining the capability to react quickly and deploy surge forces across the entire country, by land and air, in close coordination with the national police and United Nations police.

53. Since my previous report, the Mission has completed the closure of its regional offices in Gonaïves (Artibonite Department) and Port-au-Prince (West Department) and its camp in La Borde (South Department). Logistics support was also consolidated around three regional hubs located in Port-au-Prince, Cap-Haïtien (North Department) and Les Cayes (South Department). The Mission further decreased its staffing levels in line with the recommendations of the civilian staffing review of 2014.

VIII. Conduct and discipline

54. MINUSTAH continued to pursue efforts to ensure compliance with my policy of zero tolerance on sexual exploitation and abuse, including by delivering mandatory training within the Mission area on standards of conduct expected of all

categories of United Nations personnel; carrying out risk assessment exercises aimed at identifying risk-contributing factors to prevent the occurrence of sexual exploitation and abuse; undertaking an outreach and sensitization campaign among the local population; and distributing awareness-raising material on sexual exploitation and abuse. MINUSTAH continued to expand its network with the community to strengthen the community-based mechanism for reporting allegations of misconduct and sexual exploitation and abuse committed by Mission personnel.

IX. Financial aspects

55. The General Assembly, by its resolution 70/276 of 17 June 2016, appropriated the amount of $345.9 million for the maintenance of the Mission for the period from 1 July 2016 to 30 June 2017. Should the Security Council decide to extend the mandate of the Mission beyond 15 October 2016, the cost of maintaining MINUSTAH would be limited to the amounts approved by the General Assembly.

56. As at 4 August 2016, unpaid assessed contributions to the Special Account for MINUSTAH amounted to $145.3 million, while the total outstanding assessed contributions for all peacekeeping operations amounted to $4,852.5 million. Reimbursement of troop and formed police unit costs has been made for the period up to 30 April 2016, while reimbursement of the costs of contingent-owned equipment has been made for the period up to 31 December 2015, in accordance with the quarterly payment schedule.

X. Observations and recommendations

57. Nearly 18 months after embarking on the path to elections in order to renew the country's democratic institutions at all levels, the people of Haiti have yet to see the completion of the electoral process which began in March 2015. More than two months after the expiry of the 120-day mandate of the provisional President, the National Assembly has yet to adopt measures to ensure continuity in the functioning of the executive, as required by the agreement of 5 February. I urge the National Assembly to perform its role and take the relevant decisions on the governance arrangements. For the second time this year, Haiti is confronted with political and institutional uncertainty affecting the highest office of the State. I call on all Haitian actors, in the interests of the Haitian people, to urgently join forces in prioritizing the country's return to constitutional order by completing the electoral process under way.

58. Preparations for the first of two electoral rounds on 9 October appear to be in line with the electoral calendar developed and published by the Provisional Electoral Council. I look forward to the timely completion of the electoral process. The commitment displayed so far by the national authorities to assume greater ownership of all facets of the electoral process, including financial and operational aspects, and the leadership demonstrated by the Provisional Electoral Council are promising signs. It is of paramount importance that this commitment be sustained and that the electoral process be completed in accordance with the current calendar in order to ensure a return to constitutional order by 7 February 2017. I reiterate my call on all relevant actors — the national authorities, political parties and candidates, civil society and the private sector — to spare no effort to ensure the

holding of credible, impartial and inclusive elections in accordance with the calendar. I also urge the national authorities, including the executive, the judiciary, the Provisional Electoral Council and the national police, to protect the neutrality of the relevant institutions and ensure a level playing field that enables all candidates to compete in a fair manner for presidential, parliamentary and local posts. Haiti can ill afford another electoral impasse, given the many socioeconomic challenges facing its people.

59. While committing itself to fully fund the electoral process, despite the difficult economic situation in the country, the Government of Haiti has advised that support from international partners, including the United Nations, remains critical to enhance the electoral process. I remain grateful to Haiti's international partners for their generous contributions to the electoral process to date and encourage them to consider further financial contributions, in particular with a view to strengthening the electoral council's capacity to manage the logistical aspects of the electoral process. I also welcome and encourage the redeployment of international electoral observation and expert missions, in addition to national observation, to diversify levels of scrutiny and promote confidence in the electoral process.

60. The Under-Secretary-General for Peacekeeping Operations visited Haiti from 30 June to 3 July 2016 for a political and security assessment, a precursor to the integrated strategic assessment foreseen in my two previous reports and postponed because of the fluid political situation in the country. His conclusion was that, in the current context of political uncertainty and a relatively stable but fragile security situation, the continued presence of MINUSTAH is required until the completion of the electoral process to support the national authorities in the effective organization of the elections and the maintenance of a safe and secure environment. The capacity of the Haitian National Police has continued to improve, and they have demonstrated their determination to provide for the safety and security of the Haitian people. However, they are not yet operationally independent and continue to rely on international support, including from MINUSTAH, in fulfilling their constitutional mandate. The deterrent effect provided by MINUSTAH in addition to the growing national police force has been crucial during this period of political uncertainty.

61. I recommend that the mandate of MINUSTAH be extended for a further six months, until 15 April 2017, with the current authorized uniformed strengths of 2,370 troops and 2,601 police officers. I propose to carry out within this six-month period a strategic assessment of the situation in Haiti, including the professionalism and strength of the Haitian National Police, with a view to presenting the Security Council with recommendations on the future presence and role of the United Nations in Haiti ahead of the expiration of the mandate of MINUSTAH in April 2017. It is hoped that the current electoral calendar will be maintained, in which case a strategic assessment mission would be deployed to Haiti after 7 February 2017, the date envisaged for the installation of a newly elected President of the Republic, and in time for the inclusion of its recommendations in my next report to the Security Council. In the meantime, MINUSTAH will continue to prepare for its transition, including through the development of a transition plan and the focused implementation of the Mission's consolidation plan. To ensure effective support from MINUSTAH police throughout the electoral process, the Department of Peacekeeping Operations is working with police-contributing countries to address the current shortfall of some 250 against the authorized level of 951 officers.

62. I remain concerned over the slow progress towards consolidating the rule of law. I reiterate the importance of having a balanced approach to strengthening the entire criminal justice chain. The deficiencies in the justice and corrections systems, prolonged pretrial detention and the consequent prison overcrowding, widespread corruption, and violations of human rights and due process remain intractable problems. I therefore call on the Government of Haiti to address these serious deficiencies and expedite efforts aimed at strengthening rule of law institutions and ending impunity. I am equally concerned that social inequality will continue to grow unless elected officials engage in the effective implementation of a long-term development agenda that meets the aspirations of the people and which the donor community can support. In this context, it is critical that factors contributing to a worsening of the situation, such as the continuing prevalence of cholera in Haiti, are addressed as a matter of urgency. The finalization of the Government's mid-term plan offers an important opportunity to renew the commitment of Haiti and the international community alike to combat the disease and take concerted action to achieve needed improvements in water, sanitation and health systems. In addition, I intend to develop a package that would provide material assistance and support to those Haitians directly affected by cholera. Consultations will be required with the national authorities, as well as with Member States, to secure the funds necessary for the support package and the mechanism through which it is delivered. I urge Member States to demonstrate their solidarity with the people of Haiti by increasing their contributions to efforts to eliminate cholera and provide assistance to those affected.

63. In conclusion, I would like to express my gratitude to my Special Representative, Sandra Honoré, for her service in support of Haiti at this delicate juncture. I would also like to thank the men and women of MINUSTAH, troop- and police-contributing countries and the United Nations country team and partners for their continuing dedication and commitment to stability and development in Haiti.

Annex I

Progress in the consolidation of the United Nations Stabilization Mission in Haiti

1. An update on the progress made towards the implementation of the consolidation plan for the United Nations Stabilization Mission in Haiti (MINUSTAH) as outlined in my report to the Security Council of 8 March 2013 (S/2013/139) is set out below.

Police development

2. The twenty-sixth Haitian National Police class graduated on 10 May with a total of 1,474 cadets, including 186 women — the largest promotion ever. The national police school decided to reduce the size of future incoming promotions by 40 per cent to improve the quality of instruction and reduce the strain upon the infrastructure. On 10 July, 966 cadets of the twenty-seventh promotion, including 86 women, started their basic training programme. They are expected to graduate in January 2017. The recruitment process for the twenty-eighth promotion is ongoing, and 1,588 cadets, including 210 women, are scheduled to undergo physical tests and interviews.

3. With the graduation of the twenty-sixth class, the total strength of the national police rose to 13,200 officers, including 1,182 women (8.95 per cent). As a result, the police-to-population ratio reached 1.21 officers per 1,000 inhabitants. Of the total of 13,200 active officers, 5,768 officers (43.7 per cent) are deployed outside the metropolitan area of Port-au-Prince.

4. In cooperation with international partners, MINUSTAH provided training to 218 judicial police officers in criminal investigation, human rights, crime scene management, the penal code, interview/interrogation skills, and ballistics. Logistics management has been improved through the establishment of two technical committees to audit and record all aspects of police logistics, in order to develop the 2015-2016 logistic forecast. The ongoing professionalization of public order units allowed for better crowd control during large public events or protests. In addition, the Directorate of Traffic Circulation was strengthened in the areas of traffic management, road safety, vehicle registration and training. To improve its infrastructure, the police completed seven construction and renovation projects and started 12 others. The police also continued to expand and update its radio system, a project which it began in 2014.

5. The Government intends to commission a prison in Fort-Liberté shortly. The construction of the women's prison in Cabaret is completed, but it has yet to be opened. Two other prisons are being built.

6. The 2015/16 budget of the national police was $212.9 million, or 6.91 per cent of the national budget. This represented a substantial increase of $44.2 million, or 26.2 per cent, compared to the $168.7 million of the 2014/15 budget. The increase was necessary mainly to cover the salaries of newly graduated officers. A total of 77 per cent of the Haitian National Police's operating budget is designated for personnel costs. MINUSTAH assisted the police in securing donor support for the development of key policing areas, as the current budget allocation remains

insufficient. Further assistance from bilateral/multilateral actors will be required in order to effectively address outstanding challenges.

Support to electoral process

7. Following the cancellation of the elections scheduled for 24 January and the subsequent resignation of all members of the Provisional Electoral Council, a new Provisional Electoral Council was established on 29 March. The goal of establishing a permanent electoral council cannot however be reached before the completion of the full electoral cycle and the return to constitutional order.

8. The decision of the new electoral council to rerun the presidential elections resulted in unexpected costs for the State, which has decided to fund the elections in their entirety while remaining open to donor contributions. The budget for operations and logistics is estimated at $54.84 million, in addition to operating costs for the electoral council and the national police.

9. The electoral council continued to assume greater ownership over all aspects of the electoral process, resulting in a significant reduction in operational support by the United Nations. Nevertheless, MINUSTAH and relevant United Nations agencies continued to support the Provisional Electoral Council in implementing scheduled electoral activities while strengthening the institutional capacity of the electoral apparatus. An area for continued support by the United Nations remains the electoral council's logistics operation, that is, the delivery and recovery of election material.

10. The Haitian National Police continued its preparation for assuming security for the upcoming elections. In coordination with MINUSTAH, an integrated security plan for the deployment of forces throughout the country prior to the elections is well advanced. The Haitian National Police/MINUSTAH Joint Electoral Cell developed force deployment plans for each department to ensure the security of the electoral process and voters.

Rule of law and human rights

11. The Supreme Court remains dysfunctional, as six judgeship positions are vacant and the term of the Chief Justice has expired. The Superior Council of the Judiciary has reviewed its internal rules and regulations governing the process for the evaluation of judges but the new rules have yet to be approved. During the reporting period, the ad hoc joint vetting commission submitted 12 investigative reports — in addition to the 47 already filed — but the commission lacks the funding to pursue inquiries, leading to stagnation in the vetting process of magistrates.

12. In July 2016, the Superior Court of Auditors and Administrative Disputes, in partnership with the Inter-American Development Bank, launched its strategic and operational plan for 2016-2024, developed in collaboration with the United Nations Development Programme.

13. The joint technical committee in charge of penal reform completed the drafting of the criminal procedure code which has since been submitted to the executive. This reform package requires the approval of the Council of Ministers and adoption by Parliament.

14. The Office of the Ombudsperson has adopted its strategic plan for 2016-2019 and appointed a Director General and Deputy Ombudsperson, thus laying the foundation for the continuity of the office after the current Ombudsperson's mandate expires late in 2016. Financial allocations through the State budget continued to fall short of the Office's operational needs, however.

15. The Inspectorate General of the national police received 334 complaints. It recommended the dismissal of 96 personnel, the suspension of 111 and warnings against 76. MINUSTAH supported the development of a case management database to facilitate the investigations. Despite the normative framework requiring an investigation into each use of firearms, the police oversight body has not investigated any such incidents since my previous report (S/2016/225). The Inspectorate also continued to resort to detention of police officers suspected of serious violations, despite this practice being in breach of basic due process guarantees.

16. The vetting of the national police is progressing, and 9,290 police officers and civilian staff have been certified. Vetting continued for the remaining national police personnel, with 3,227 cases under investigation and 683 yet to be opened.

Governance

17. The installation of 139 of 140 newly elected municipal councils in May and June ended five years of political appointments to municipal administrations. The ability of municipal and departmental authorities to implement basic administrative and financial procedures has continued to improve, including with the support of a tax mobilization programme in selected departments.

18. Dialogue among key national stakeholders on priorities for promoting democratic freedoms and institutional reform could not be advanced, owing to the political impasse, and no progress was made on constitutional reform. Further, despite the newly elected Fiftieth Legislature holding its first session on 4 February 2016, it has yet to hold a single session to legislate.

Annex II

Composition and strength of the police of the United Nations Stabilization Mission in Haiti as at 16 August 2016

	United Nations police officers		*Formed police units*	
Country	*Women*	*Men*	*Women*	*Men*
Argentina		12		
Bangladesh		6	82	218
Benin	1	50		
Brazil		4		
Burkina Faso	8	36		
Cameroon	15	5		
Canada	12	63		
Chad		5		
Chile	1	10		
Colombia	7	32		
Egypt		19		
El Salvador		12		
Ethiopia		2		
France	1	8		
Germany	1	2		
Ghana	1	8		
India		6		440
Indonesia	1	6		
Jamaica		1		
Jordan		21		318
Madagascar	5	25		
Nepal	4	22	13	127
Niger	14	30		
Nigeria		1		
Norway	3	3		
Pakistan				140
Paraguay		1		
Romania	3	26		
Russian Federation	2	7		
Rwanda		9	21	139
Senegal		13	15	145
Slovakia	1	3		
Spain		4		
Sri Lanka		11		
Thailand	1			

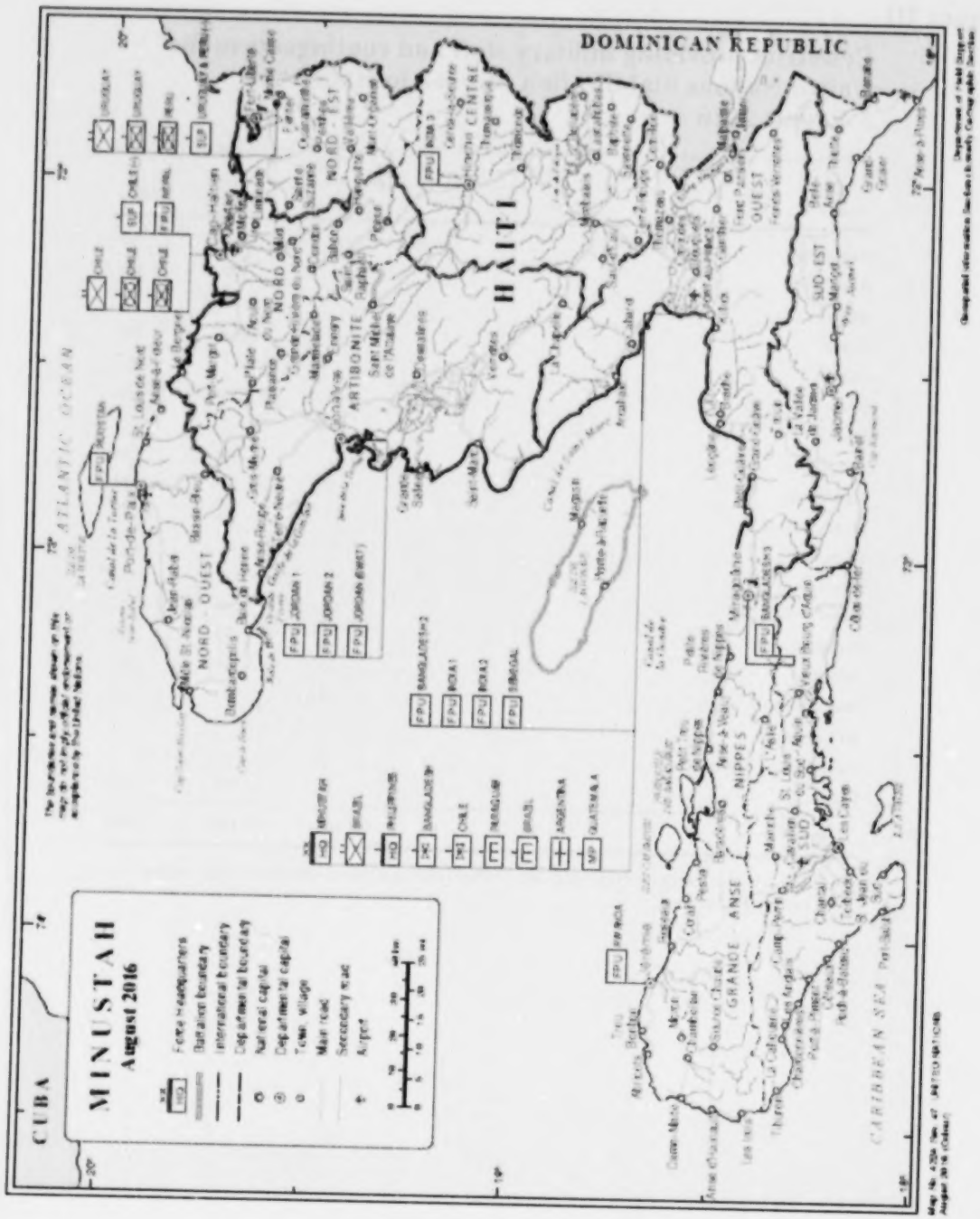
Country	United Nations police officers		Formed police units	
	Women	Men	Women	Men
Togo	2	19		
Tunisia		3		
Turkey		15		
United States of America	1	16		
Uruguay		9		
Yemen		15		
	84	540	131	1 527
Total	**638**	**1 658**		
	2 282			

Annex III

Countries providing military staff and contingents to the United Nations Stabilization Mission in Haiti as at 3 August 2016

	Staff officers		*Troops*		
Country	*Women*	*Men*	*Women*	*Men*	*Total*
Argentina		5	29	38	72
Bangladesh		2		110	112
Bhutan		1			1
Brazil[a]		12	16	954	982
Canada	1	4			5
Chile		5	8	379	392
Ecuador		1			1
El Salvador				44	44
Guatemala		2	5	47	54
Honduras				47	47
Jordan		3			3
Mexico		3		3	6
Nepal		2			2
Paraguay		1	5	77	83
Peru		2	10	149	161
Philippines		2	14	121	137
Sri Lanka		3			3
United States of America	2	3			5
Uruguay		5	15	228	248
Total	**3**	**56**	**102**	**2 197**	**2 358**

[a] The Force Commander is employed on a United Nations contract and hence is not reflected in the troop strength.


DOMINICAN REPUBLIC
HAITI
CUBA
ATLANTIC OCEAN
CARIBBEAN SEA
MINUSTAH
August 2016
Force headquarters
Battalion boundary
International boundary
Department boundary
National capital
Department capital
Town, village
Main road
Secondary road
Airport
NORD OUEST
ARTIBONITE
NORD
NORD EST
CENTRE
OUEST
SUD EST
GRANDE ANSE
NIPPES
Port-au-Prince
Cap-Haïtien
Gonaïves
Les Cayes
Jérémie
Hinche
Miragoâne
Port-de-Paix
Jacmel
Saint-Marc
Fort Liberté
Ouanaminthe
Dajabón
Pedernales
Barahona
Azua
Baní
San Cristóbal
Santo Domingo
Higüey
La Romana
San Pedro de Macorís
Bayahibe
Monte Cristi
Puerto Plata
Sánchez
Samaná
Nagua
Cabrera
Moca
La Vega
Bonao
Mao
Jimaní
Neiba
Tres Charcos
Punta Cana
Cabo Engaño
Cabo Samaná
Cabo Beata
Isla Saona
Isla Catalina
Isla Alto Velo
Isla Beata
Isla Tortuga
Isla de la Gonâve
Isla de la Tortue
Isla Cabritos
Lago Enriquillo
Lago Azuei
Lago Saumâtre
Lago Etang Saumâtre
Lago Rincón
Lago Limón
Lago Laguna Redonda
Lago Laguna Salada
Lago Laguna Cabral
Lago Laguna Oviedo
Lago Laguna Bávaro
Lago Laguna Gri-Gri
Lago Laguna Limón
Lago Laguna Redonda
Lago Laguna Salada
Lago Laguna Cabral
Lago Laguna Oviedo
Lago Laguna Bávaro
Lago Laguna Gri-Gri
FPU Jordan 1
FPU Jordan 2
FPU Jordan (East)
FPU Bangladesh 2
FPU Bolivia 1
FPU Bolivia 2
FPU Senegal
FPU Bangladesh 1
FPU Jordan
HQ Uruguay
HQ Brazil
HQ Philippines
HQ Bangladesh
HQ Chile
HQ Paraguay
HQ Brazil
HQ Argentina
HQ Guatemala
Uruguay
Chile
Brazil
Philippines
Bangladesh
Chile
Paraguay
Brazil
Argentina
Guatemala

United Nations S/2016/754

Security Council

Distr.: General
31 August 2016

Original: English

Letter dated 31 August 2016 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the President of the Security Council

I have the honour to transmit a letter dated 31 August 2016 from Najib Ghadbian, Special Representative of the Syrian National Coalition to the United Nations (see annex).

I would be grateful if you could circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Abdallah Y. **Al-Mouallimi**
Permanent Representative

16-15102 (E) 010916

Please recycle

Annex to the letter dated 31 August 2016 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the President of the Security Council

On behalf of the National Coalition of Syrian Revolutionary and Opposition Forces, it is my honour to transmit to you, as an enclosure to the present letter, a letter dated 31 August 2016 from the President of the Syrian National Coalition, Mr. Anas Al-Abdah, drawing attention to the latest report of the Joint Investigative Mechanism regarding the use of chemical weapons in Syria.

(*Signed*) Najib **Ghadbian**
Special Representative of the
Syrian National Coalition to the United Nations

Enclosure

I am writing in regard to the recent release of the third report of the Organization for the Prohibition of Chemical Weapons (OPCW) — United Nations Joint Investigative Mechanism on the use of chemical weapons, confirming the Syrian regime's repeated use of chlorine gas as a weapon of war, in violation of Security Council resolutions 2118 (2015), 2209 (2015) and 2235 (2015) and its obligations as a signatory to the Chemical Weapons Convention.

The evidence is now incontrovertible: the Syrian regime has systematically deployed chemical weapons to terrorize, maim and kill Syrian civilians, and likely retains a hidden chemical weapons programme. The OPCW-United Nations Joint Investigative Mechanism (JIM) has concluded unequivocally that Syrian Arab Air Force helicopters dropped bombs containing chlorine gas in civilian occupied areas, including Talmenes and Sarmin, Idlib, on 21 April 2014 and 16 March 2015, respectively. The report's conclusions follow those of the OPCW Declaration Assessment Team report, dated 4 July 2016, which state that the Syrian chemical weapons declaration cannot be fully verified as accurate or complete. OPCW investigators have discovered precursors for chemical warfare agents, including soman and VX, at several undeclared facilities — a clear indicator that the Syrian regime has hidden the full extent of its chemical weapons programme and continues to retain the capacity to use chemical weapons against unarmed civilians.

It is imperative that Member States of the Security Council, acting collectively or independently, take measures to hold the Syrian regime accountable. The National Coalition for Syrian Revolution and Opposition Forces, as the legitimate representative of the Syrian people, reiterates its call on members of the Security Council to assume their responsibilities as set out in the Charter of the United Nations and in repeated Security Council resolutions on Syria. We call on Member States to:

(a) Impose punitive measures under Chapter VII of the Charter of the United Nations, as required by Security Council resolutions 2118 (2013), 2209 (2015) and 2235 (2015), sanctioning the Syrian regime for its defiance of international law and its wilful killing of innocent civilians;

(b) Protect civilians from further chemical weapons attacks by employing measures to ground Assad's air forces, which are the primary delivery mechanism for chlorine gas. The enforcement of a no-bombing zone implemented over all of Syria is a feasible, low risk method to stop the bombs and protect civilians without requiring planes in the air or boots on the ground;

(c) Ensure accountability for individuals responsible for the use of chemical weapons by referring the situation in Syria to the International Criminal Court (ICC) and taking action under national or universal jurisdiction through individual Member State Governments.

The Syrian Revolution and Opposition Forces reaffirms its commitment to the goals of the revolution against injustice, tyranny and the criminality of the Assad regime, as well as our commitment to the establishment of a civil, modern, pluralistic, and democratic state where all Syrians have equal rights and duties regardless of ethnic, sectarian, religious and tribal affiliations. The Syrian Revolution and Opposition Forces also reaffirm our commitment to the fight against

terrorism in all its forms. However, we will not defeat terror nor establish a free, democratic Syria while the Assad regime continues to gas civilians with impunity. Syria's civilians need protection from chemical weapons and other internationally banned weapons, as well all indiscriminate airstrikes. Anything less will only condemn more Syrians to death and make a greater mockery of international law.

(*Signed*) Anas **Al-Abdah**
President of the National Coalition of
Syrian Revolutionary and Opposition Forces